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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

ELASTICSEARCH, INC., a Delaware
corporation, and ELASTICSEARCH B.V., a
Dutch corporation,

Plaintiffs,

v.

FLORAGUNN GmbH, a German corporation,

Defendant.

Case No. 4:19-cv-05553-YGR

**JOINT STATEMENT REGARDING
COMPLIANCE WITH THE COURT'S
STANDING ORDER RE: PRETRIAL
INSTRUCTIONS IN CIVIL CASES**

Pretrial Conf: February 11, 2022
Time: 9:00 AM
Location: Courtroom 1, 4th Fl.

Trial Date: February 28, 2022
Time: 8:00 AM
Location: Courtroom 1, 4th Fl.

Pursuant to the Court’s December 23, 2019 Case Management and Pretrial Order (Dkt. 31), the Court’s March 23, 2021 Order Granting Stipulation (Dkt. 86), and the Court’s Standing Order Re: Pretrial Instructions In Civil Cases (“Standing Order”), Plaintiffs Elasticsearch Inc. and Elasticsearch B.V. (collectively “Elastic”) and Defendant floragunn GmbH (“floragunn”) respectfully submit this Joint Statement regarding the parties’ compliance with the Standing Order.

The undersigned counsel confirm that they have reviewed the Standing Order and are in compliance therewith. On January 10, 2022, lead counsel for the parties met and conferred by videoconference regarding the requirements of the Standing Order. Counsel discussed, among other things, each of the items required for the joint Pretrial Conference Statement and agreed on drafting responsibilities and a schedule for the exchange of information to allow for timely submission of that joint Pretrial Conference Statement on January 28, 2022. The parties also agreed on a further date and time to meet and confer to enable that timely submission.

floragunn notes that Magistrate Judge Kim has set this matter for a further settlement conference at 1 p.m. on January 24, 2022. (Dkts. 222, 223.) floragunn further notes that there are several motions under submission before Magistrate Judge Tse that could have a significant effect on trial, and that there are also three fully briefed *Daubert* motions pending before the Court. In view of the foregoing, and in view of the uncertain conditions surrounding international travel from Germany at this time, floragunn would welcome a brief conference to discuss whether the interests of judicial economy might favor delaying trial. Elastic opposes delay of the trial.

Based on the foregoing, the parties respectfully request that the January 21, 2022 compliance hearing be taken off calendar. floragunn in the alternative requests that the Court set this matter for a further status conference to discuss whether trial should be delayed.

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Respectfully submitted,

Dated: January 13, 2022

O'MELVENY & MYERS LLP
DAVID R. EBERHART

By: /s/ David R. Eberhart
David R. Eberhart

Attorneys for plaintiffs
ELASTICSEARCH, INC. and
ELASTICSEARCH B.V.

Dated: January 13, 2022

WUERSCH & GERING LLP
V. DAVID RIVKIN

By: /s/ V. David Rivkin
V. David Rivkin

Attorneys for defendant
FLORAGUNN GmbH

ATTESTATION

Pursuant to Civil Local Rule 5-1(i)(3) regarding signatures, I hereby attest that
concurrence in the filing of these documents has been obtained from the other signatory.

Dated: January 13, 2022 /s/ David R. Eberhart
David R. Eberhart